

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

5 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR  
10 MANIPULATING TISSUE, the specification of which was filed on 12/01/03, assigned Serial No. 10/724,854 and identified by Attorney's Docket No. LIDDICOHN-123.

15 I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

20 I hereby claim priority benefits under Title 35, United States Code, Section 119(e), of:

(1) pending prior U.S. Provisional Patent Application  
Serial No. 60/429,568, filed 11/29/02 by John R. Liddicoat  
et al. for TISSUE MANIPULATING METHODS AND DEVICES  
(Attorney's Docket No. LIDDICOHN-1 PROV);

5 (2) pending prior U.S. Provisional Patent Application  
Serial No. 60/453,294, filed 03/11/03 by John R. Liddicoat  
et al. for TISSUE MANIPULATING METHODS AND DEVICES  
(Attorney's Docket No. LIDDICOHN-2 PROV); and

10 (3) pending prior U.S. Provisional Patent Application  
Serial No. 60/458,128, filed 03/27/03 by John R. Liddicoat  
et al. for TISSUE MANIPULATING METHODS AND DEVICES  
(Attorney's Docket No. LIDDICOHN-3 PROV).

I hereby appoint Pandiscio & Pandiscio, a firm composed  
of Nicholas A. Pandiscio, Registration No. 17,293, Mark J.  
15 Pandiscio, Registration No. 30,883, Scott R. Foster,  
Registration No. 20,570, and James A. Sheridan, Registration  
No. 43,114, or any of them, of 470 Totten Pond Road,  
Waltham, Massachusetts 02451, (Telephone No. 781-290-0060),  
my attorneys with full power of substitution and revocation,  
20 to prosecute this application and to transact all business  
in the Patent Office connected therewith.

Please direct all correspondence in this matter to

Mark J. Pandiscio

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road

Waltham, MA 02451-1914

Tel.: 781 290 0060

Fax.: 781 290 4840

Please direct all telephone calls to:

Mark J. Pandiscio or

Nicholas A. Pandiscio

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 4 -

Inventor's signature:

5 Inventor's full name:

John R. Liddicoat

Date:

Residence:

68 Myrtle Street, Apt. 4Boston, MA 02114

Post Office Address:

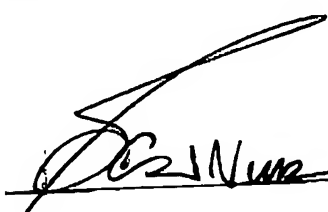
Same

10 Citizenship:

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Inventor's signature:

15 Inventor's full name:

  
William E. Cohn

Date:

6.01.04

Residence:

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Postal address:

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20 Citizenship:

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LIDDICOHN-123

TOTAL P.02



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Inventor's signature:



Inventor's full name:

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